

Effective 5/13/2014

58-31b-302 Qualifications for licensure or certification -- Criminal background checks.

- (1) An applicant for certification as a medication aide shall:
 - (a) submit an application to the division on a form prescribed by the division;
 - (b) pay a fee to the division as determined under Section 63J-1-504;
 - (c) have a high school diploma or its equivalent;
 - (d) have a current certification as a nurse aide, in good standing, from the Department of Health;
 - (e) have a minimum of 2,000 hours of experience within the two years prior to application, working as a certified nurse aide in a long-term care facility;
 - (f) obtain letters of recommendation from a long-term care facility administrator and one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
 - (g) be in a condition of physical and mental health that will permit the applicant to practice safely as a medication aide certified;
 - (h) have completed an approved education program or an equivalent as determined by the division in collaboration with the board;
 - (i) have passed the examinations as required by division rule made in collaboration with the board; and
 - (j) meet with the board, if requested, to determine the applicant's qualifications for certification.
- (2) An applicant for licensure as a licensed practical nurse shall:
 - (a) submit to the division an application in a form prescribed by the division;
 - (b) pay to the division a fee determined under Section 63J-1-504;
 - (c) have a high school diploma or its equivalent;
 - (d) be in a condition of physical and mental health that will permit the applicant to practice safely as a licensed practical nurse;
 - (e) have completed an approved practical nursing education program or an equivalent as determined by the board;
 - (f) have passed the examinations as required by division rule made in collaboration with the board; and
 - (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (3) An applicant for licensure as a registered nurse shall:
 - (a) submit to the division an application form prescribed by the division;
 - (b) pay to the division a fee determined under Section 63J-1-504;
 - (c) have a high school diploma or its equivalent;
 - (d) be in a condition of physical and mental health that will allow the applicant to practice safely as a registered nurse;
 - (e) have completed an approved registered nursing education program;
 - (f) have passed the examinations as required by division rule made in collaboration with the board; and
 - (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (4) Applicants for licensure as an advanced practice registered nurse shall:
 - (a) submit to the division an application on a form prescribed by the division;
 - (b) pay to the division a fee determined under Section 63J-1-504;
 - (c) be in a condition of physical and mental health which will allow the applicant to practice safely as an advanced practice registered nurse;
 - (d) hold a current registered nurse license in good standing issued by the state or be qualified at the time for licensure as a registered nurse;
 - (e)
 - (i) have earned a graduate degree in:

- (A) an advanced practice registered nurse nursing education program; or
- (B) a related area of specialized knowledge as determined appropriate by the division in collaboration with the board; or
- (ii) have completed a nurse anesthesia program in accordance with Subsection (4)(f)(ii);
- (f) have completed:
 - (i) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an education program approved by the division in collaboration with the board; or
 - (ii) a nurse anesthesia program which is approved by the Council on Accreditation of Nurse Anesthesia Educational Programs;
- (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as described in division rule, that the applicant, after completion of a doctorate or master's degree required for licensure, is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including in psychotherapy;
- (h) have passed the examinations as required by division rule made in collaboration with the board;
- (i) be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of the certification; and
- (j) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- (5) For each applicant for licensure or certification under this chapter:
 - (a) the applicant shall:
 - (i) submit fingerprint cards in a form acceptable to the division at the time the application is filed; and
 - (ii) consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application; and
 - (b) the division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check through the national criminal history system (NCIC) or any successor system.
- (6) For purposes of conducting the criminal background checks required in Subsection (5), the division shall have direct access to criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (7)
 - (a)
 - (i) Any new nurse license or certification issued under this section shall be conditional, pending completion of the criminal background check.
 - (ii) If the criminal background check discloses the applicant has failed to accurately disclose a criminal history, the license or certification shall be immediately and automatically revoked.
 - (b)
 - (i) Any person whose conditional license or certification has been revoked under Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.
 - (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (8)
 - (a) If a person has been charged with a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation:
 - (i) the person is disqualified for licensure under this chapter; and
 - (ii)

- (A) if the person is licensed under this chapter, the division:
 - (I) shall act upon the license as required under Section 58-1-401; and
 - (II) may not renew or subsequently issue a license to the person under this chapter; and
 - (B) if the person is not licensed under this chapter, the division may not issue a license to the person under this chapter.
- (b) If a person has been charged with a felony other than a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation:
- (i) if the person is licensed under this chapter, the division shall determine whether the felony disqualifies the person for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401; and
 - (ii) if the person is not licensed under this chapter, the person may not file an application for licensure under this chapter any sooner than five years after having completed the conditions of the sentence or plea agreement.

Amended by Chapter 316, 2014 General Session